

State of North Dakota

Cass County

District Court

East Central Judicial District

State of North Dakota

Case Number: 09-2015-CR-00619

vs.

AMENDED

Clifton Terrell Cannon
 Fargo, ND 58103

Count: 1 Dismissed
 Count: 2 Criminal Judgment
 Count: 3 Criminal Judgment
 Count: 4 Criminal Judgment
 Count: 5 Criminal Judgment

Defendant was represented by: Jay Ryan Greenwood

CASE CHARGES

Ct	Statute	Description	Degree	Amended
1	19-03.1-23.1	Delivery within 1000 feet of a school.	Felony AA	
2	19-03.1-23 (1)(b)	Possession of a Controlled Substance w/ intent to deliver within 1000 ft of a school	Felony AA	
3	19-03.1-23 (1)(b)	Possession of a Controlled Substance w/ intent to deliver within 1000 ft of a school	Felony AA	
4	19-03.1-23 (1)(b)	Possession of a Controlled Substance w/ intent to deliver within 1000 ft of a school	Felony AA	
5	19-03.1-23(7)	Possession Of Controlled Substance	Misdemeanor B	

TERMS OF DISPOSITION: COUNT 1

Sentence Date: 02/17/2016

Offense Information:

Ct	Statute	Description	Degree	Offense Disposition
1	19-03.1-23.1	Delivery within 1000 feet of a school.	Felony AA	Dismissed

Disposition Details:

Fees:

Order of the Court and Conditions:

Defendant is placed under the following conditions:		
Location	End Date	Comment
<i>Additional Conditions and Order of the Court.</i>		

TERMS OF DISPOSITION: COUNT 2

Sentence Date: 09/06/2016

Offense Information:

Ct	Statute	Description	Degree	Offense Disposition
2	19-03.1-23 (1)(b)	Possession of a Controlled Substance w/ intent to deliver within 1000 ft of a school	Felony AA	Pled Guilty

Disposition Details:

Commitments:

Committed to: Department of Corrections and Rehabilitation
Term: 4 years
First Serve: 2 years balance suspended
Probation: 2 years
Credit for Time Served: 153 days
Concurrent with Case #: Counts 3, 4, 5 and 09-2015-CR-3688

Fees:

Criminal Administration Fee	\$900.00
Defense/Facility Admin Fee	\$100.00
Indigent Defense Application Fee	\$35.00

Order of the Court and Conditions:

Defendant is placed under the following conditions:		
Location	End Date	Comment
Obtain Diagnostic Assessment		Obtain a diagnostic assessment through SEHSC or its equivalent and follow through on any recommendations.

Additional Conditions and Order of the Court.

The Defendant will pay the amount assessed by the Court according to the terms established by the Parole/Probation Officer.

Defendant is placed on supervised probation for a period of 2 years from the later of the following dates: (a) the order imposing probation; (b) release from incarceration; or, (c) termination of Defendant's parole. The Defendant will report to a Parole/Probation Officer with the Parole and Probation Division of the North Dakota Department of Corrections and Rehabilitation. The probationary conditions are either set forth below or in an attached Appendix A or Certificate to this Criminal Judgment.

IT IS FURTHER ORDERED, if the Court ordered a pre-sentence investigation in this case, then the defendant shall pay \$50.00 to the Department of Corrections and Rehabilitation pursuant to N.D.C.C. §12.1-32-02(10).

IT IS FURTHER ORDERED, if the defendant has been convicted after July 31, 2005 of any felony offense, then the

defendant shall, as an additional condition of probation and as a separate Order of the Court, at the defendant's cost, submit to testing and provide a sample of blood or other body fluids to the North Dakota Department of Corrections and Rehabilitation or the Cass County Sheriff for DNA law enforcement identification purposes and inclusion in law enforcement identification data bases pursuant to N.D.C.C. ch.31-13, including N.D.C.C. § 31-13-03, and N.D.A.C. ch. 33-40-01.

IT IS FURTHER ORDERED, the Clerk of this Court deliver a copy of this Judgment and Commitment to the Sheriff or other appropriate officer as a commitment of the Defendant.

TERMS OF DISPOSITION: COUNT 3

Sentence Date: 09/06/2016

Offense Information:

Ct	Statute	Description	Degree	Offense Disposition
3	19-03.1-23 (1)(b)	Possession of a Controlled Substance w/ intent to deliver within 1000 ft of a school	Felony AA	Pled Guilty

Disposition Details:

Commitments:

Committed to: Cass County Sheriff

Term: 153 days

Credit for Time Served: 153 days

Concurrent with Case #: Counts 2, 4, 5 and 09-2015-CR-3688

Fees:

Order of the Court and Conditions:

Defendant is placed under the following conditions:

Location	End Date	Comment
<i>Additional Conditions and Order of the Court.</i>		

IT IS FURTHER ORDERED, if the Court ordered a pre-sentence investigation in this case, then the defendant shall pay \$50.00 to the Department of Corrections and Rehabilitation pursuant to N.D.C.C. §12.1-32-02(10).

IT IS FURTHER ORDERED, if the defendant has been convicted after July 31, 2005 of any felony offense, then the defendant shall, as an additional condition of probation and as a separate Order of the Court, at the defendant's cost, submit to testing and provide a sample of blood or other body fluids to the North Dakota Department of Corrections and Rehabilitation or the Cass County Sheriff for DNA law enforcement identification purposes and inclusion in law enforcement identification data bases pursuant to N.D.C.C. ch.31-13, including N.D.C.C. § 31-13-03, and N.D.A.C. ch. 33-40-01.

IT IS FURTHER ORDERED, the Clerk of this Court deliver a copy of this Judgment and Commitment to the Sheriff or other appropriate officer as a commitment of the Defendant.

TERMS OF DISPOSITION: COUNT 4

Sentence Date: 09/06/2016

Offense Information:

Ct	Statute	Description	Degree	Offense Disposition
4	19-03.1-23 (1)(b)	Possession of a Controlled Substance w/ intent to deliver within 1000 ft of a school	Felony AA	Pled Guilty

Disposition Details:

Commitments:

Committed to: Cass County Sheriff

Term: 153 days

Credit for Time Served: 153 days

Concurrent with Case #: Counts 2, 3, 5 and 09-2015-CR-3688

Fees:

Order of the Court and Conditions:

Defendant is placed under the following conditions:		
Location	End Date	Comment
<i>Additional Conditions and Order of the Court.</i>		

IT IS FURTHER ORDERED, if the Court ordered a pre-sentence investigation in this case, then the defendant shall pay \$50.00 to the Department of Corrections and Rehabilitation pursuant to N.D.C.C. §12.1-32-02(10).

IT IS FURTHER ORDERED, if the defendant has been convicted after July 31, 2005 of any felony offense, then the defendant shall, as an additional condition of probation and as a separate Order of the Court, at the defendant's cost, submit to testing and provide a sample of blood or other body fluids to the North Dakota Department of Corrections and Rehabilitation or the Cass County Sheriff for DNA law enforcement identification purposes and inclusion in law enforcement identification data bases pursuant to N.D.C.C. ch.31-13, including N.D.C.C. § 31-13-03, and N.D.A.C. ch. 33-40-01.

IT IS FURTHER ORDERED, the Clerk of this Court deliver a copy of this Judgment and Commitment to the Sheriff or other appropriate officer as a commitment of the Defendant.

TERMS OF DISPOSITION: COUNT 5

Sentence Date: 09/06/2016

Offense Information:

Ct	Statute	Description	Degree	Offense Disposition
5	19-03.1-23(7)	Possession Of Controlled Substance	Misdemeanor B	Pled Guilty

Disposition Details:

Commitments:

Committed to: Cass County Sheriff

Term: 30 days

Credit for Time Served: 30 days

Concurrent with Case #: Counts 2, 3, 4 and 09-2015-CR-3688

Fees:

Order of the Court and Conditions:

Defendant is placed under the following conditions:

Location	End Date	Comment
<i>Additional Conditions and Order of the Court.</i>		

Assessed	Waived	Total
\$1,035.00	\$0.00	\$1,035.00

The Defendant will pay the amount assessed by the court in monthly installments in the amount of \$35.00 beginning Sunday, September 13, 2020.

Def.: Clifton Terrell Cannon

Hon. Susan L Bailey

Sentenced on September 06, 2016 by District Court Judge
in case number 09-2015-CR-00619

Date

Clerk of Court: Tracy Hines

701-451-6924

If you have questions regarding the terms of your disposition, please contact your attorney, your probation agent or Clerk of Court's Office. All payments to be made to the Clerk of Court at: Cass County District Court, PO BOX 2806, FARGO,

ND 58108.

The Clerk of District Court's Office accepts Visa, MasterCard, or Discover Cards in person or via telephone. Payments can also be made online at <http://www.ndcourts.gov/publicsearch>

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APPENDIX A:
CONDITIONS FOR SENTENCE TO PROBATION
DEFERRED OR SUSPENDED SENTENCE
PURSUANT TO THE ORDER OF THE COURT

The Defendant herein is placed under the supervision and management of the North Dakota Department of Correction and Rehabilitation.

The Defendant shall:

1. Not Commit another criminal offense during the period for which the probation remains subject to revocation.
2. Work faithfully at a suitable employment or faithfully pursue a course of study or of vocational training that will equip the Defendant for suitable employment.
3. Inform the probation officer immediately in the manner that the officer directs of changes of residence, employment, or other pertinent activities.
4. Answer truthfully all reasonable inquires of the probation officer. The information shall be provided to the probation officer by written report, telephone, or a personal visit to the probation office as directed.
5. Permit the probation officer to visit at reasonable times at your home or elsewhere.
6. Report within 1 working day (Monday-Friday) after release from incarceration or being placed on probation to the North Dakota Parole and Probation at 461 34th Street South, Fargo, North Dakota. Telephone Number 239-7272.
7. Report to a probation office as directed by the court or a probation officer.
8. Not leave the State of North Dakota without permission from the probation officer.
9.
 - a. Not own, purchase, borrow, possess, use or carry any type of firearm, destructive device, or dangerous weapon unless granted written permission by the Court.
 - b. Not possess or use any type of surveillance equipment such as audio, video, motion detectors, scanners or any type of surveillance/counter surveillance equipment without written permission of the court.
 - c. Surrender to your probation officer any firearm, destructive device, dangerous weapon, or surveillance/counter surveillance equipment.
 - d. Not willfully defraud a urine test administered as a condition of probation.
10. Support any dependents.
11. Not gamble or enter any gaming sites without written permission by the probation officer,

unless no money is owing in this case.

12. Not use or possess alcoholic beverages nor enter any liquor, beer or wine establishment without written permission from the probation officer.
13. Not use or possess any controlled substance, except as prescribed by a licensed physician.
14. Not knowingly associate with users or traffickers in narcotics, marijuana, or other controlled substances.
15. Submit to a medical examination or other reasonable testing to include breath, blood, or urine samples for the purpose of determining the use of alcohol or controlled substances whenever requested by a probation officer.
16. Submit the Defendant's person, place of residence and vehicle, or any other property to which the Defendant has access, wherever they may be found, to search and seizure, with or without a search warrant at any time of day or night by any parole or probation officer or any law enforcement officer at the direction of the parole and probation officer.
17. Pay any financial obligation ordered, including any fine, fee, or restitution, to the Clerk of District Court. Unless otherwise ordered by the Court, said amounts to be paid no less than fifty dollars (\$50.00) per month. The total amount owed shall be paid not later than two months prior to the end of probation. An Order that a Defendant make restitution or reparation as a sentence or condition of probation may unless the court directs otherwise, be filed, transcribed, and enforced by the person entitled to the restitution or reparation in the same manner as civil judgment pursuant to N.D.C.C. § 12.1-32-08(1).
18. Pay a probation supervision fee of fifty-five dollars (\$55.00) per month during the period of probation pursuant to N.D.C.C. § 12.1-32-07 to the Division of Parole and Probation, unless the Court has made a specific finding on the record that the imposition of fees will result in an undue hardship.
19. Undergo any or all of the following agreed-to community constraints and conditions as intermediate measures of the Department of Corrections and Rehabilitation to avoid revocation pursuant to N.D.C.C. § 12.1-32-07(3):
 - a. Community Service - 240 hours of uncompensated hours worked within the community;
 - b. Day Reporting- Report to probation office daily for 90 days;
 - c. Curfew- At their residence from 10:00 p.m. to 6:00 a.m. for 180 days;
 - d. Home Confinement-Required to be at residence 12 hours a day for 90 days;
 - e. House Arrest- Required to be at residence 24 hours a day for 90 days;
 - f. Electronic Monitoring (EMS)- Electronically monitor the Defendant's compliance with curfew, home confinement or house arrest at the Defendant's expense for 90 days;
 - g. Residential/Half-way House - Contracted housing that provides structures and programming for 120 days;
 - h. Participation in the 24/7 Sobriety Program;
 - i. 48-hour Hold - May be incarcerated for up to 48 hours in lieu of revocation (for offense dates 8/1/2015 or after).

20. Perform the number of community service hours ordered, and pay the twenty-five dollars (25.00) statutory service fee. Community service hours are to be completed at the rate of no less than ten (10) hours every month until the entire obligation is fulfilled, unless otherwise ordered by the Court. Total community service hours shall be completed not later than two months prior to the end of probation.
21. Submit to placement on an electronic surveillance system (GPS/EMS) as directed by the Court or probation officer.
22. Obtain a diagnostic assessment through Human Service Center or its equivalent and follow through on any recommendations, if directed by probation officer or required by statute.
23. You shall attend, participate in, and successfully complete Thinking for a Change or similar approved cognitive behavioral program at the request of your probation officer.
24. Comply with and successfully complete any conditions or requirements of the Court's Order for Judgment.

Dated: September 07, 2016

State of North Dakota vs. Clifton Terrell Cannon
09-2015-CR-00619

I, Tracy Hines, Clerk of the District Court, Cass County,
State of North Dakota, do hereby certify that this is a true
and complete copy of the original instrument filed in this
office. IN TESTIMONY WHEREOF, I have hereunto set my
hand and affixed the Seal of said Court at my office in
Fargo, North Dakota this 14 day of August 2017

TRACY HINES
Clerk of the District Court

By M. Monroe Deputy

STATE OF NORTH DAKOTA

IN DISTRICT COURT

COUNTY OF CASS

EAST CENTRAL JUDICIAL DISTRICT

State of North Dakota,)
vs.)
Plaintiff,) FILED - CLERK OF DISTRICT COURT
Clifton Terrell Cannon,) FEB 24 2015 INFORMATION
Defendant(s).) SA#15-DG-00131
CASS COUNTY, ND
) Dink
)

The Cass County State's Attorney charges that the above-named defendant(s) committed the following offense in Cass County, North Dakota:

Count 1: DELIVERY OF A CONTROLLED SUBSTANCE (METHAMPHETAMINE) WITHIN ONE THOUSAND FEET OF A SCHOOL in violation of N.D.C.C. § 19-03.1-23(1) in that on or about 12 November 2014, the above-named defendant willfully, as defined in N.D.C.C. § 12.1-02-02, delivered a controlled substance classified in schedule I or II which is a narcotic drug or methamphetamine, to-wit: that on or about said day, the defendant, **CLIFTON TERRELL CANNON**, intentionally, knowingly or recklessly delivered two (2) baggies of the schedule II controlled substance methamphetamine in exchange for \$380.00 to a confidential informant working with the Cass County Drug Taskforce at the Loaf 'N Jug convenience store at 1833 S. University Drive in Fargo which store is within one thousand feet [300.48 meters] of the real property comprising a private elementary school, namely, Nativity Elementary School at 1825 11th St. S. in Fargo.

Count 2: POSSESSION OF A CONTROLLED SUBSTANCE (METHAMPHETAMINE) WITH INTENT TO DELIVER WITHIN ONE THOUSAND FEET OF A SCHOOL in violation of N.D.C.C. § 19-03.1-23(1) in that on or about 10 December 2014, the above-named defendant willfully, as defined in N.D.C.C. § 12.1-02-02, possessed with intent to deliver a controlled substance classified in schedule I or II which is a narcotic drug or methamphetamine, to-wit: that on or about said day, the defendant, **CLIFTON TERRELL CANNON**, intentionally, knowingly or recklessly, exclusively or jointly, and actually or constructively possessed the schedule I controlled substance methamphetamine at his residence at _____ in Fargo which residence is within one thousand feet [300.48 meters] of the real property comprising a private elementary school, namely, Nativity Elementary School at 1825 11th St. S. in Fargo with the intent to deliver said controlled substance.

Count 3: POSSESSION OF A CONTROLLED SUBSTANCE (HEROIN) WITH INTENT TO DELIVER WITHIN ONE THOUSAND FEET OF A SCHOOL in violation of N.D.C.C. § 19-03.1-23(1) in that on or about 10 December 2014, the above-named defendant willfully, as defined in N.D.C.C. § 12.1-02-02, possessed with intent to deliver a controlled substance classified in schedule I or II which is a narcotic drug or methamphetamine, to-wit: that on or about said day, the defendant, **CLIFTON TERRELL CANNON**, intentionally, knowingly or recklessly, exclusively or jointly, and actually or constructively possessed the

schedule I controlled substance heroin at his residence at 1824 14th St. S. in Fargo which residence is within one thousand feet [300.48 meters] of the real property comprising a private elementary school, namely, Nativity Elementary School at 1825 11th St. S. in Fargo with the intent to deliver said controlled substance.

Count 4: POSSESSION OF A CONTROLLED SUBSTANCE (HYDROMORPHONE) WITH INTENT TO DELIVER WITHIN ONE THOUSAND FEET OF A SCHOOL in violation of N.D.C.C. § 19-03.1-23(1) in that on or about 10 December 2014, the above-named defendant willfully, as defined in N.D.C.C. § 12.1-02-02, possessed with intent to deliver a controlled substance classified in schedule I or II which is a narcotic drug or methamphetamine, to-wit: that on or about said day, the defendant, **CLIFTON TERRELL CANNON**, intentionally, knowingly or recklessly, exclusively or jointly, and actually or constructively possessed the schedule II controlled substance hydromorphone at his residence at _____ in Fargo which residence is within one thousand feet [300.48 meters] of the real property comprising a private elementary school, namely, Nativity Elementary School at 1825 11th St. S. in Fargo with the intent to deliver said controlled substance.

Count 5: POSSESSION OF LESS THAN ONE-HALF OUNCE MARIJUANA in violation of N.D.C.C. § 19-03.1-23(7) in that on or about 10 December 2014, the above-named defendant willfully, as defined in N.D.C.C. § 12.1-02-02, possessed a controlled substance which was not obtained directly from, or pursuant to, a valid prescription or order of a practitioner while acting in the course of the practitioner's professional practice, or as otherwise authorized by N.D.C.C. ch. 19-03.1, to-wit: that on or about the above-stated date, the defendant, **CLIFTON TERRELL CANNON**, intentionally, knowingly or recklessly, exclusively or jointly, and actually or constructively possessed less than one-half ounce of the schedule I controlled substance marijuana at his residence at _____ in Fargo.

Against the peace and dignity of the State of North Dakota.

State's Witnesses:

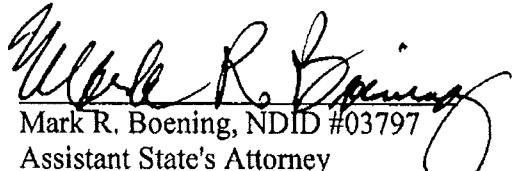
S/A Shelby Franklin
S/A Kelly Wimer
S/A Scott Voeltz
S/A Jesse Smith
TFO Shane Orn
TFO Dan Heidbreder
TFO Gregory Smith
TFO Adam Gustafson
MPD Det. Christopher Martin
MPD Det. Adam Torgerson
Deputy Dan Hermann
Confidential informant
Tiffany Valnes
Forensic Scientist Charlene Keller
Evidence custodian
Crime Lab Forensic Scientist

Dated: February 23, 2015

Penalty Section:

Count 1: 19-03.1-23(1)(a), 19-03.1-23.1(1)(a), 19-03.1-23.1(2)(a) & 19-03.1-07(5)(c)
Class AA felony
Count 2: 19-03.1-23(1)(a), 19-03.1-23.1(1)(a), 19-03.1-23.1(2)(a) & 19-03.1-07(5)(c)
Class AA felony
Count 3: 19-03.1-23(1)(a), 19-03.1-23.1(1)(a), 19-03.1-23.1(2)(a) & 19-03.1-05(4)(k)
Class AA felony
Count 4: 19-03.1-23(1)(a), 19-03.1-23.1(1)(a), 19-03.1-23.1(2)(a) & 19-03.1-07(3)(a)(7)
Class AA felony

Count 5; 19-03.1-23(7) & 19-03.1-05(5)(h)
Class B misdemeanor



Mark R. Boening, NDID #03797

Assistant State's Attorney

P.O. Box 2806

Fargo, North Dakota 58108

(701) 241-5850

sa-defense-notices@casscountynd.gov

I, Tracy Hines, Clerk of the District Court, Cass County,
State of North Dakota, do hereby certify that this is a true
and complete copy of the original instrument filed in this
office. IN TESTIMONY WHEREOF, I have hereunto set my
hand and affixed the Seal of said Court at my office, in
Fargo, North Dakota this 14 day of August 2017.

TRACY HINES
Clerk of the District Court

By M. Thompson Deputy